

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Tory Hart, trustee for the heirs and
next-of-kin of E.K.A.H.,
Plaintiff,

Court File No.: 22-cv-02035
(MJD/JFD)

v.

**JOINT MOTION REGARDING
CONTINUED SEALING**

County of Dakota, Beth Dehner, and
Jennifer Streefland,
Defendants.

Documents have been filed under temporary seal in connection with the
following motions:

The County's motion to enforce the partial settlement agreement and for judgment on the pleadings	Doc. 32
The County's motion to compel discovery	Doc. 55
Plaintiff's motion for leave to amend the complaint to include a claim for punitive damages	Doc. 68
The County's motion for a protective order	Doc. 88
Plaintiff's motion to modify scheduling order	Doc. 100
Plaintiff's Rule 72 objections to magistrate order	Doc. 123

Pursuant to LR 5.6, the parties submit this joint motion regarding continued sealing.

Dated: May 30, 2023

KATHRYN M. KEENA
DAKOTA COUNTY ATTORNEY

By: /s/William M. Topka

William M. Topka (#0339003)

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*Attorneys for County of Dakota,
Beth Dehner, and Jennifer
Streefland*

Dkt. No.	Dkt. No. of Redacted Version (if filed)	Description of Document	PRECISELY IDENTIFY: a) The information that the parties agree should remain sealed; b) The information the parties agree should be unsealed; and c) The information about which the parties disagree.	NONPARTY THAT DESIGNATED DOC. CONFIDENTIAL (IF ANY)	REASON WHY DOCUMENT SHOULD REMAIN SEALED OR BE UNSEALED
34	35	Memorandum of Law in Support of County's Motion to Enforce the Partial Settlement Agreement or for Partial Judgment on the Pleadings	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. The protective order instructs that any documents and information "generally not available to the public" can be marked as "confidential." This includes documents classified by the Minnesota

					<p>Government Data Practices Act, Minn. Stat. 13.01 <i>et seq.</i>, as “private data on individuals,” “not public,” “private,” and “confidential.”</p> <p>The information redacted or sealed is or derives from documents marked as “confidential” by the County because they contain “welfare Data” under Minnesota Statute Section 13.46, a section of the Minnesota Government Data Practices Act. Welfare data is private data on individuals not subject to public disclosure. That information or</p>
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					<p>documents may have been disclosed by third parties does not affect the County's legal obligation to maintain the confidentiality of information protected by the MGDPA in its possession. Even then, most of the information marked by the County as confidential has not been disclosed. The County also contends that to the extent that this matter proceeds to trial and will disclose information designated as confidential, the trial should be closed to the public</p>
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					<p>or least portions of it.</p> <p>Plaintiff does not believe any of the information cited is truly confidential. <i>See</i> ECF #73-2. The substance of all information in this case is already public knowledge. <i>See</i> ECF #115-1. Defendants' claim to confidentiality is attenuated because the case involves Plaintiff's son and his son's murderer. Defendants' over-designation of information as confidential would effectively seal the entire case, frustrating the public's paramount right to access. All information</p>
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					Plaintiff cited will be seen by the jury at the public trial.
45	54	Memorandum Opposing Defendants' Motions for Settlement Enforcement & Judgment on the Pleadings	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
45-1		Word Count Compliance Certificate	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
48		John Giesen Declaration Opposing Defendants' Dispositive Motions	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
48-1		Exhibit A to John Giesen Declaration Opposing Defendant's Dispositive Motions	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remained sealed to protect the identity of the minor at issue in this case. Plaintiff disagrees. See discussion regarding Doc. 34..

48-2		Exhibit B to John Giesen Declaration Opposing Defendants' Dispositive Motions	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
49	52	Joshua M. Tuchscherer's Declaration Opposing Defendants' Dispositive Motions	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
50		Joshua M. Tuchscherer's Declaration Opposing Defendants' Dispositive Motions	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
50-1		Exhibit A to Joshua M. Tuchscherer's Declaration Opposing Defendants' Dispositive Motions	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.

61	59	The County's Memorandum of Law in Support of its Motion to Compel Discovery	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. See discussion regarding Doc. 34.Minn. Stat. 13.01 <i>et seq.</i> , as “private data on individuals,” “not public,” “private,” and “confidential.” Plaintiff disagrees.
61-1		Word Count Compliance Certificate	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
62	58-1	Ex. 1 to William M. Topka Declaration in Support of Motion to Compel Discovery	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
62-1	58-8	Ex. 8 to William M. Topka Declaration in Support of Motion to Compel Discovery	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees.

					See discussion regarding Doc. 34.
64	63	The County's Reply Memorandum of Law in Support of its Motion to Enforce the Partial Settlement Agreement or for Partial Judgment on the Pleadings	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
64-1		Word Count Compliance Certificate	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
67	66	John Giesen Declaration Opposing Defendants' Motion to Compel	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
67-1	66-1	Exhibit A to Declaration in Opposition to Motion to Compel	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
70	71	Plaintiff's Memorandum in Support of Motion to Modify the Scheduling Order	The County believes all information should remain sealed. Plaintiff does not believe any		The County contends that the document should remain sealed. Plaintiff disagrees.

		and Seeking Leave to Amend Complaint	information should remain sealed.		See discussion regarding Doc. 34.
70-1		Word Count Compliance Certificate	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
73		Joshua M. Tuchscherer Declaration Supporting Plaintiff's Motion to Modify Scheduling Order and Seeking Leave to Amend Complaint	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
73-1	72-1	Ex. A to Joshua M. Tuchscherer Declaration Supporting Plaintiff's Motion to Modify Scheduling Order and Seeking Leave to Amend Complaint	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
73-2	72-2	Ex. B to Joshua M. Tuchscherer Declaration Supporting Plaintiff's Motion to Modify Scheduling Order and Seeking Leave to Amend Complaint	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.

73-3		Ex. C to Joshua M. Tuchscherer Declaration Supporting Plaintiff's Motion to Modify Scheduling Order and Seeking Leave to Amend Complaint	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
92	91	The County's Memorandum of Law in Support of Motion for a Protective Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
94	93	Decl. of William M. Topka in Support of Motion for a Protective Order	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
94-1	93-2	Ex. 2 to Decl. of William M. Topka in Support of Motion for a Protective Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
94-2	93-3	Ex. 3 to Decl. of William M. Topka in	The County believes all information should remain sealed. Plaintiff		The County contends that the document should

		Support of Motion for a Protective Order	does not believe any information should remain sealed.		remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
94-3		Ex. 5 to Decl. of William M. Topka in Support of Motion for a Protective Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
96	95	Decl. of Jennifer L. Jackson in Support of Motion for a Protective Order	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
96-1	95-1	Ex. A. to Decl. of Jennifer L. Jackson in Support of Motion for a Protective Order	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
104	103	Plaintiff's memorandum of law in support of its motion to amend the scheduling order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
106		Exhibit C to the declaration of Joshua Tuchscherer in	The County believes all information should remain sealed. Plaintiff		The County contends that the document should

		support of Plaintiff's motion to amend the scheduling order	does not believe any information should remain sealed.		remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
110		Exhibit E to the declaration of Joshua Tuchscherer in support of Plaintiff's motion to amend the scheduling order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
113	114	Plaintiff's Memorandum Opposing Defendants' Motion for a Protective Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
113-1		Certificate of compliance	The parties agree that this should be unsealed.		The parties agree that this should be unsealed.
120-1	119	Ex. 3 to the declaration of William M. Topka in Opposing to Plaintiff's Motion to Amend the Scheduling Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remain sealed. Plaintiff disagrees. See discussion regarding Doc. 34.

120-2	119	Ex. 4 to the declaration of William M. Topka in Opposing to Plaintiff's Motion to Amend the Scheduling Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
120-3	119	Ex. 6 to the declaration of William M. Topka in Opposing to Plaintiff's Motion to Amend the Scheduling Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.
123		Plaintiff's Rule 72 Objections to Magistrate Order	The County believes all information should remain sealed. Plaintiff does not believe any information should remain sealed.		The County contends that the document should remained sealed. Plaintiff disagrees. See discussion regarding Doc. 34.

